IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1074 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/02/2005 in WP NO : 20017 OF 2003 on the file of the High Court.)

Between:

The Depot Manager, APSRTC, Hakimpet Depot, Ranga Reddy District Hyderabad

..... APPELLANT

AND

1 U. Hanumanth Rao S/o Siddappa, R/o H. No. 148-74, Chudi Bazar, Post Begum bazar, Hyderabad-12

2 The Industrial Tribunal-II, rep by Chairman, Chandravihar Building, 2nd nd Floor, M.J. Road, Hyderabad-1

.....RESPONDENTS

Counsel for the Appellant: MR.V.T.M.PRASAD

Counsel for the Respondent No.1: Mr. A.K.Jaya Prakash Rao

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following :

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

This writ appeal is preferred by the Corporation against the order of the learned single Judge passed in W.P.No:20017 of 2003 on 4th February, 2005, by which the writ petitioner is allowed directing the Corporation to reinstate the petitioner with continuity of service with all attendant benefits.

The 1st respondent is the writ petitioner. On the removal of the writ petitioner by the Corporation, he raised an industrial dispute before the Industrial Tribunal, Hyderabad. Having considered the rival contentions, the learned Tribunal has dismissed the I.D. filed by the writ petitioner. Aggrieved by the same, the writ petitioner has preferred a writ petition before this Court seeking to quash the award passed by the learned Tribunal and to grant the relief of reinstatement with all attendant benefits and back wages. The learned single Judge having observed that the punishment of removal does not commensurate the gravity of offence, directed the Corporation to reinstate the writ petitioner with continuity of service with all attendant benefits except back wages. Having aggrieved by the same, the present writ appeal is preferred by the Corporation.

Heard the learned counsel on either side.

It is contended by the learned Standing counsel for the Corporation that the entire service record of writ petitioner is with adverse remarks viz., censure for five times, withholding of increments for two times, suspended for two times and removal for one time. It is further submitted that after his reinstatement, again, he involved in cash and ticket irregularities. In this background of the matter, the writ petitioner is not entitled to any attendant benefits.

At this stage, it is brought to the notice of this Court that the writ petitioner has already been retired from service on 31.1.2005 and therefore, the order of the learned single Judge, does not warrant any interference by this Court.

Taking into consideration the submissions made by the learned counsel for the appellant and also the fact that the petitioner has already been retired from service on 31.1.2005, We feel it appropriate to modify the order of the learned single Judge to the effect that the writ petitioner is entitled to continuity of service only for the purpose of pension and gratuity. It is needless to mention that the writ petitioner is not entitled to any attendant benefits.

Subject to the above modification, this writ appeal is disposed of.

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(T.MEENA KUMARI, J)

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(P.LAKSHMANA REDDY, J)

27.06.2005

Gurc

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1. The Depot Manager, APSRTC, Hakimpet Depot, Ranga Reddy District Hyderabad

2 The Industrial Tribunal-II, rep by Chairman, Chandravihar Building, 2nd Floor, M.J. Road, Hyderabad-1

3. Two CD copies.

4. Two C.Cs to G.P. for Labour, High Court Buildings, High Court of A.P., Hyderabad (O.U.T.)